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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,836	02/11/2004	Joseph El-Hindi	131P008	3016
28264 7590 02/11/2009 BOND, SCHOENECK & KING, PLLC ONE LINCOLN CENTER SYRACUSE, NY 13202-1355				
EXAMINER KIM, SUN U				
ART UNIT 1797		PAPER NUMBER		
NOTIFICATION DATE 02/11/2009		DELIVERY MODE ELECTRONIC		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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Office Action Summary**Application No.**

10/776,836

Applicant(s)

EL-HINDI, JOSEPH

Examiner

JOHN KIM

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 February 2009.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 7-17 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 12 August 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/06)
Paper No(s)/Mail Date _____
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 2/2/09 has been entered.

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 7-17 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 7-17 are indefinite for failing to particularly point out structures that allow the rack to be removably positioned in and out of the compartment to engage and disengage male connector to female connector.

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claim 7 is rejected under 35 U.S.C. 102(b) as being anticipated by Anderson (U.S. Patent No. 2,843,267).

Regarding claim 7, Anderson discloses a filter vessel comprising: a frame (11, 17) defining at least one compartment having a female connector (49) fixed on a cover (17); an inlet pipe (32), a tubular rack (14, 45) having a male connector (48) and removeably positioned in the compartment such that the male connector (48) engages the female connector when the rack (45)

is positioned within the compartment, at least one candle housing (29) including a plurality of filter elements (31) removeably positioned in the rack (14, 45) and in fluid communication with the rack (14, 45) and an outlet pipe (63) interconnected to the female connector (17) (see Fig. 1-2, 4; col. 2, lines 53 – col. 4, line 2; col. 4, lines 27-60; col. 5, line 62 – col. 6, line 19); and at least one candle housing (29) having receptacles (30) removeably positioned in the rack (14) (see Fig 1). Anderson further teaches that the male connector (48) of the tubular rack (14, 45) are disengaged from the female connector (49) when releasing arm (53) is released and the tubular rack (45) is displaced axially away from the frame (17) to an extent projecting the closed end of the tubular rack (45) through an opening (59) and withdrawing from the front end of the male connector (48) from the female connector (49) (see col. 5, lines 19-30). Recitation of “wherein said rack is removably positioned in said compartment....when said rack is positioned outside of said compartment” in claim 7 does not afford patentable weight in apparatus claim since no structures are claimed to be capable of allowing the rack to be removably positioned in and out of the compartment to engage and disengage male connector to female connector.

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 8-17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Anderson as applied to claim 7 above and further in view of Greig et al and Schmidt, Jr. et al. Anderson teaches the filter vessel as described in above paragraph 5.

Regarding claim 8, Anderson teaches an air purge line (36) interconnected to the inlet pipe (32) (see Fig. 1; col. 3, lines 36 – 58). Anderson further teaches that the housing (39) has a longitudinally spaced apart series of receptacles (30) in the top thereof to receive the nozzles of related filter leaves (31) (see col. 3, lines 18-27). However, Anderson does not teach a sludge purge line positioned in the bottom of the compartment and an overflow line positioned in the top of the compartment. Greig et al teach that oily sludge is filtered by suitable surface filters including plate, leaf and tube or candle filters (see col. 2, lines 43-48). Schmidt, Jr. et al teach the filter vessel comprising a purge line (18) in the bottom of the compartment for removal of solids and an overflow line (121) in the top of the compartment to remove air trapped in the compartment (see col. 5, line 69 – col. 6, line 55). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the apparatus of Anderson to incorporate a purge line and an overflow line positioned in the bottom and top of the compartments to remove solids and air respectively as suggested by Schmidt, Jr. et al (see col. 6, lines 25-55).

Regarding claim 9, Anderson teaches a door (17) and a handle (26) attached to the door (26) (see col. 2, line 67 – col. 3, line 17).

Regarding claim 10, Claim 10 essentially differs from the apparatus of Anderson in reciting the candle housing including a mounting plate for threadably engaging filter elements. Greig et al teach that oily sludge is filtered by suitable surface filters including plate, leaf and tube or candle filters (see col. 2, lines 43-48). Schmidt, Jr. et al teach a tubular or candle filter comprising filter header (32) i.e. candle housing a plurality of downwardly facing openings (34) having a hollow connector member (37) i.e. mounting plate having an internal pipe thread at the

lower end thereof for sealably receiving filter elements (64) (see Figs. 1-3; col. 3, lines 70-75). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the candle housing (39) of Anderson with filter mounting plate for connecting tubular or candle filter elements to the housing as suggested by Schmidt, Jr. et al (see col. 3, lines 70-75; col. 4, lines 67-73).

Regarding claims 11-12, Schmidt, Jr. et al teaches that the chamber (32) is in fluid communication with the tubular rack (32) and filter elements (64) (see Fig. 3).

Regarding claim 13, Schmidt, Jr. et al teach the filter element (64) comprising a permeable core (66) surrounded by compressed filter media (77) (see col. 5, lines 6-20).

Regarding claim 14, Schmidt, Jr. et al teach tubular filter element including a permeable core (66) that is threadably engaged to the mounting plate (37) via female coupling member (71) (see Fig. 3; col. 4, lines 67-73).

Regarding claim 15, Anderson teaches a header interconnected to the inlet pipe (see Fig. 1).

Regarding claim 16, Schmidt, Jr. et al teach a sloped floor pan (16) (see Fig. 1; col. 3, lines 44-52).

Regarding claim 17, Anderson teaches a plurality of compartments including a pair of tubular racks (45)(see Fig. 2) wherein each filter (31) defines separate compartment in the frame (11, 17).

8. Applicant's arguments with respect to claims 7-17 have been considered but are moot in view of the new ground(s) of rejection.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to JOHN KIM whose telephone number is (571)272-1142. The examiner can normally be reached on Monday-Friday 7 a.m. - 3:30 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David Sample can be reached on 571-272-1376. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

**/John Kim/
Primary Examiner, Art Unit 1797**

JK
2/6/09